



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

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*07 September 2007*

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Lead, Sharon Scroggins/MSFC at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

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## Acronyms

AAM = Alabama Administrative Monthly	NAAQS = National Ambient Air Quality Standards
ACEP = Advanced Clean Energy Project	NASA = National Aeronautics and Space Administration
ADEM = Alabama Department of Environmental Management	NESHAP = National Emission Standards for Hazardous Air Pollutants
ANPRM = Advance Notice of Proposed Rulemaking	NFPA = National Fire Protection Association
ARB = Air Resources Board	NMAC = New Mexico Administrative Code
ASTM = American Society for Testing and Materials	NNSR = Nonattainment New Source Review
BACT = Best Available Control Technology	NOx = Nitrogen oxide
CAA = Clean Air Act	NPRM = Notice of Proposed Rulemaking
CAAWG = Clean Air Act Working Group	NSPS = New Source Performance Standards
CAIR = Clean Air Interstate Rule	NSR = New Source Review
CAS = Chemical Abstract Service	OAC = Ohio Administrative Code
CCR = California Code of Regulations	OEHHA = Office of Environmental Health Hazard
CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act	OEPA = Ohio Environmental Protection Agency
CFR = <i>Code of Federal Regulations</i>	OMB = Office of Management and Budget
CRNR = <i>California Regulatory Notice Register</i>	PCP = Pollution Control Projects
DDE = Dichlorodiphenyldichloroethylene	PFAC = Perfluoroalkyl carboxylates
DEA = Drug Enforcement Administration	PFAS = Perfluoroalkyl sulfonates
DOT = U.S. Department of Transportation	PM = Particulate matter
EMD = Environmental Management Division	PSD = Prevention of Significant Deterioration
EO = Executive order	REACH = Registration, Evaluation, and Authorisation of Chemicals
EPA = U.S. Environmental Protection Agency	RIN = Regulatory Identification Number
EU = European Union	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
F.A.C. = Florida Administrative Code	SCAQMD = Sacramento Metropolitan Air Quality Management District
FAW = <i>Florida Administrative Weekly</i>	SIP = State Implementation Plan
FDEP = Florida Department of Environmental Protection	SNUR = Significant New Use Rule
FR = <i>Federal Register</i>	SO2 = Sulfur dioxide
F.S. = Florida Statute	TAC = Texas Administrative Code
GSE = Ground support equipment	TBD = To be determined
HAP = Hazardous air pollutant	TCEQ = Texas Commission on Environmental Quality
HGB = Houston-Galveston-Bazoria	TNT = 2,4,6-Trinitrotoluene
HQ = Headquarters	TSCA = Toxic Substances Control Act
HTML = Hypertext Markup Language	U.S. = United States
IRIS = Integrated Risk Information System	VOC = Volatile organic compound
kg = Kilogram	WER = Water Effect Ratio
KSC = Kennedy Space Center	WSTF = White Sands Testing Facility
MACT = Maximum achievable control technology	WWTP = Wastewater treatment plant
MAF = Michoud Assembly Facility	
MARPOL = Marine pollution	
MSFC = Marshall Space Flight Center	
MSS = Maintenance, startup, and shutdown	

## 1.0 U.S. Federal Regulatory Review

### 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts on NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED-2007-187	CAA Continuous Instrumental Test Methods	09/07/2007	<a href="#">72 FR 51365</a>	Direct Final Rule	Update of Continuous Instrumental Test Methods: Technical Amendments [40 CFR Part 60]  Corrects errors in and clarifies a recent final rule that amended five instrumental test methods ( <a href="#">71 FR 28081</a> , 05/15/2006). Effective 11/06/2007 unless adverse comments are received by 10/09/2007 [RIN 2060-A009].	
FED-2007-188	CAA Mercury Monitoring	09/07/2007	<a href="#">72 FR 51493</a>	Direct Final Rule	Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions [40 CFR Parts 60, 72 and 75]  Approves two optional methods for relative accuracy test audits of mercury monitoring systems installed on combustion flue gas streams and several amendments to related mercury monitoring provisions. Also amends Performance Specification 12A by adding Methods 30A and 30B to the list of acceptable reference methods for measuring mercury concentration. Effective 11/06/2007 unless adverse comments are received by 10/09/2007 [RIN 2060-A001].	
FED-2007-189	CAA Nitrogen Oxides	08/30/2007	<a href="#">72 FR 50107</a>	Notice	Draft Integrated Science Assessment for Oxides of Nitrogen--Health Criteria  Announces the public comment period for the draft document titled, " <a href="#">Integrated Science Assessment for Oxides of Nitrogen--Health Criteria: First External Review Draft</a> ." This document was prepared as part of the review of the air quality criteria for oxides of nitrogen and the primary NAAQS for nitrogen dioxide. Comments are due 10/31/2007.	
FED-2007-190	CAA Performance Testing	08/27/2007	<a href="#">72 FR 48938</a>	Direct Final Rule	Revisions to Consolidated Federal Air Rule [40 CFR Part 65]  Takes direct final action on the General Provisions for Consolidated Federal Air Rule to allow extensions for owners and operators to conduct required performance tests in certain specified force majeure circumstances. Revisions recently were made to the General Provisions for Standards of Performance for New Stationary Sources, for National Emission Standards for Hazardous Air Pollutants, and for National Emission Standards for Hazardous Air Pollutants for Source Categories to allow for similar extensions, and are now being made to the General Provisions for Consolidated Federal Air Rule. Effective 11/26/2007 unless adverse comments are received by 09/26/2007 [RIN 2060-A045].	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED-2007-191	Commercial Space Transportation	08/31/2007	<a href="#">72 FR 50209</a>	Notice	<p>Federal Aviation Administration</p> <p>Experimental Permits for Reusable Suborbital Rockets [14 CFR Parts 401, 404, 405, 406, 413, 415, 420, 431, and 437]</p> <p>Announces OMB approval of the information collection requirement in the final rule published 04/06/2007 (<a href="#">72 FR 17001</a>). The Rule established application requirements for an operator of a manned or unmanned reusable suborbital rocket to obtain an experimental permit, and also established operating requirements and restrictions on launch and re-entry of reusable suborbital rockets operated under a permit. The Rule became effective 06/05/2007. The compliance date for information collection requirements of the Rule is 08/31/2007.</p>	
FED-2007-192	Hazardous Materials Mobile Acetylene Trailers	09/06/2007	<a href="#">72 FR 51297</a>	Notice	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Safety Advisory Guidance: Use of Mobile Acetylene Trailers</p> <p>Safety advisory for those involved in the use, operation, fabrication, or other handling of mobile acetylene trailers. Discusses the following:</p> <ul style="list-style-type: none"> <li>▪ Recent acetylene incidents</li> <li>▪ Requirements in the Hazardous Materials Regulations</li> <li>▪ National consensus standards</li> <li>▪ Operating procedures</li> <li>▪ Fire mitigation and detection systems</li> <li>▪ Training</li> </ul> <p>Also requests information about the effectiveness of current DOT regulations and industry best practices, as well as suggestions for enhancing the safety of these operations. Comments are due 11/05/2007.</p>	
FED-2007-193	Locomotives Brake Systems	09/04/2007	<a href="#">72 FR 50819</a>	Proposed Rule	<p>Federal Railroad Administration, Department of Transportation</p> <p>Electronically Controlled Pneumatic Brake Systems [49 CFR Parts 229, 232, and 238]</p> <p>Proposes revisions to the regulations governing freight power brakes and equipment by adding a new subpart addressing electronically controlled pneumatic brake systems. Proposal contains specific requirements relating to design, interoperability, training, inspection, testing, handling defective equipment, and periodic maintenance related to electronically controlled pneumatic brake systems. The document also identifies provisions of the existing regulations and statutes where the Federal Railroad Administration is proposing to provide flexibility to facilitate the introduction of this advanced brake system technology. Comments are due 11/05/2007 [RIN 2130-AB84].</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED-2007-194	Marine Vessels Oil Discharges	08/27/2007	<a href="#">72 FR 49013</a>	Notice	<p>Coast Guard, Department of Homeland Security</p> <p>New MARPOL Annex I Pollution Prevention Regulations; Information and Compliance Policy</p> <p>Announces revisions to Annex I of the International Convention for the Prevention of Pollution from Ships, "Regulations for the Prevention of Pollution by Oil." Contains provisions intended to reduce both intentional and accidental discharges of oil. Revisions include administrative changes intended to make the regulations more user-friendly and the following new requirements:</p> <ul style="list-style-type: none"> <li>Establishes design requirements for certain oil-tankers</li> <li>Establishes design requirements for protectively located fuel tanks for all ships with an aggregate oil fuel capacity of 600 cubic meters and above with a building contract on or after 08/01/2007 (or delivery on or after 08/01/2010)</li> </ul> <p>The U.S. Coast Guard is developing a proposed rulemaking to harmonize existing U.S. regulations with the new revisions to the convention. In the interim, U.S. flagged vessels that are required to hold an International Oil Pollution Prevention Certificate must meet the new requirements. All other U.S. flagged vessel operators also are encouraged to comply.</p> <p><a href="#">Further information regarding the International Convention for the Prevention of Pollution from Ships is posted on the International Maritime Organization website.</a></p>	
FED-2007-195	TSCA Nonylphenol and Nonylphenol Ethoxylates	09/05/2007	<a href="#">72 FR 50954</a>	Notice	<p>TSCA Section 21 Petition on Nonylphenol and Nonylphenol Ethoxylates; Response to Citizens' Petition</p> <p>Grants a request to initiate a proceeding for chronic aquatic toxicity testing of nonylphenol and nonylphenol ethoxylates.</p> <p><a href="#">These chemicals are used as components of some cleaning materials.</a></p>	

## 1.2 Status of Continuing Actions in Progress

This section provides the status of selected actions the RRAC PC is currently tracking. Questions about any of these actions or suggestions for additions to this list should be directed to [Sharon Scroggins](#)/MSFC.

Significant Dates		Subject Action [RIN]	Type of Action	Comments
NPRM	01/2008	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	12/2008			Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
ANPRM	03/29/2007	NESHAP: Risk and Technology Review, Phase II [2060-AN85]	Pre-rule	Possible space vehicle operational or materials impacts.
NPRM	08/2007			Evaluation of residual risk remaining after the implementation of numerous NESHAPs, including those regulating the Aerospace and Chrome Electroplating source categories. This rulemaking represents a relatively low risk of EPA imposing limits on HAP and VOC levels contained in coatings, cleaning solvents, and other materials used on flight hardware. Potential further restrictions on the chrome electroplating or other source categories also could affect vendor facilities.
Final	06/2009			

Significant Dates		Subject Action [RIN]	Type of Action	Comments
NPRM	09/2007	Area Sources: Surface Coating and Paint Stripping [2060-AN21]	Pre-rule	Possible space vehicle operational or materials impacts.
Final Action	12/2007			EPA has merged three area source categories into one standard: Autobody Refinishing; Plastic Parts and Products Surface Coating; and Paint Stripping. The resulting standard will regulate certain surface coating, cleaning and paint stripping operations at area sources of HAPs, potentially including some space vehicle operations. For NASA, KSC and MSFC are major sources of HAPs. Other NASA Centers that have HAP emissions would be considered as area sources.
NPRM	01/03/2007	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	12/2007			KSC and MSFC currently are major sources of HAPs; MAF recently attained “synthetic minor” status. As proposed, this rule potentially could allow MAF to be considered an area source, no longer subject to any NESHAP requirements for major sources. However, this rule also would require any facility switching from major source to area source status to comply with any applicable area source regulations.
NPRM	03/07/2006	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	01/2008			Rule would require manufacturers to notify EPA of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.
NPRM	08/11/2006	DEA: Iodine [1117-AA93]	Final Rule	Possible space vehicle materials impacts.
Final Action	07/02/2007			Changes the regulation of iodine due to its uses related to illicit drug manufacturing. Key points of the rule include the following:
Correction to Final Action	07/24/2007			<ul style="list-style-type: none"> <li>▪ Moves iodine from List II to List I.</li> <li>▪ Removes the iodine threshold (reduced from 0.4 kg to 0 kg).</li> <li>▪ Adds import and export regulatory controls.</li> <li>▪ Controls chemical mixtures containing greater than 2.2-percent iodine.</li> </ul> A <a href="#">regulatory alert</a> was prepared on this rulemaking and is available on the <a href="#">RRAC PC website</a> .

### 1.3 Status of Emerging Actions and Other Issues

This section provides the status of other developing environmental- or safety-related initiatives of potential interest to the NASA community. These items have been identified and are being monitored by NASA HQ/EMD. Because of their emerging nature, specific details for some items may be unknown at this time. For items related to EPA’s [IRIS](#), links are provided to the status page for that chemical in the IRIS [Chemical Tracking System](#). Please direct any comments or questions to Dr. Linda Wennerberg/HQ ([linda.s.wennerberg@nasa.gov](mailto:linda.s.wennerberg@nasa.gov)) and Sharon Scroggins/MSFC ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

Risk assessment updates and other such activities related to specific materials could prompt more stringent future regulatory requirements for that material. HQ/EMD welcomes comments and other input to assist in determining NASA’s interest in these emerging issues and to facilitate documenting potential program impacts. In particular, please provide information regarding any mission-critical applications requiring or dependent on the listed materials, or suggestions for other significant items for addition to the matrix.

Please note that items in red text are being actively worked. Inputs received by 14 September 2007 would be most useful for those specific items.

Tracking Number	Significant Dates <i>Italic indicates estimated date</i>		Subject Action	Type of Action	Comments
EM-2007-01	Notice	07/03/2007 <a href="#">72 FR 36456</a>	CERCLA: Polybrominated Diphenyl Ethers and Phthalates	Interaction Profile	Possible future materials obsolescence driver  Interaction profile for the following: <ul style="list-style-type: none"> <li>Chlorinated dibenzo-p-dioxins</li> <li>Polybrominated diphenyl ethers</li> <li>Phthalates</li> </ul> Interaction profiles are developed for chemical mixture hazardous substances to evaluate data regarding the toxicology of the whole mixture and regarding the joint toxic action of the chemicals in the mixture. These data may be used to recommend approaches for exposure-based assessment, and eventually could result in more restrictive environmental and safety regulation of these materials.
	Draft	TBD			
	Final	TBD			
EM-2007-02	Identify NASA interest in material to <a href="#">HQ/EMD</a>	09/14/2007	<a href="#">Beryllium</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver  Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA <a href="#">HQ/EMD</a> .
	Public Availability	12/20/2007			
EM-2007-03	Identify NASA interest in material to <a href="#">HQ/EMD</a>	09/14/2007	<a href="#">Carbon Tetrachloride</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver  Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA <a href="#">HQ/EMD</a> .
	Public Availability	11/19/2007			
EM-2007-04	Identify NASA interest in material to <a href="#">HQ/EMD</a>	09/14/2007	<a href="#">Cerium and Compounds</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver  Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA <a href="#">HQ/EMD</a> .
	Public Availability	01/15/2008			
EM-2007-05	Identify NASA interest in material to <a href="#">HQ/EMD</a>	09/14/2007	<a href="#">Copper</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver  Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA <a href="#">HQ/EMD</a> .
	Public Availability	02/21/2008			
EM-2007-06	Identify NASA interest in material to <a href="#">HQ/EMD</a>	09/14/2007	<a href="#">Cis-1,2- Dichlorethylene</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver  Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA <a href="#">HQ/EMD</a> .
	Public Availability	11/08/2007			
EM-2007-07	Identify NASA interest in material to <a href="#">HQ/EMD</a>	09/14/2007	<a href="#">Trans-1,2- Dichloroethylene</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver  Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA <a href="#">HQ/EMD</a> .
	Public Availability	11/30/2007			

Tracking Number	Significant Dates <i>Italic indicates estimated date</i>	Subject Action	Type of Action	Comments
EM-2007-08	Identify NASA interest in material to HQ/EMD 09/14/2007	<a href="#">Ethyl tertiary butyl ether</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA HQ/EMD.
	Public Availability 10/29/2007			
EM-2007-09	Identify NASA interest in material to HQ/EMD 09/14/2007	<a href="#">Ethylene glycol monobutyl ether</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA HQ/EMD.
	Public Availability 10/23/2007			
EM-2007-10	Identify NASA interest in material to HQ/EMD 09/14/2007	<a href="#">2-Hexanone</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA HQ/EMD.
	Public Availability 10/12/2007			
EM-2007-11	Identify NASA interest in material to HQ/EMD 09/14/2007	<a href="#">Pentachlorophenol</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA HQ/EMD.
	Public Availability 12/06/2007			
EM-2007-12	Identify NASA interest in material to HQ/EMD 09/14/2007	<a href="#">Propionaldehyde</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA HQ/EMD.
	Public Availability 11/29/2007			
EM-2007-13	Identify NASA interest in material to HQ/EMD 09/14/2007	<a href="#">Thallium</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA HQ/EMD.
	Public Availability 12/01/2007			
EM-2007-14	Identify NASA interest in material to HQ/EMD 09/14/2007	<a href="#">Trichloroacetic acid</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA HQ/EMD.
	Public Availability 11/21/2007			
EM-2007-15	Identify NASA interest in material to HQ/EMD 09/14/2007	<a href="#">1,2,3-Trichloropropane</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Comments and other input regarding mission-critical applications or other potential issues associated with future regulatory restrictions on the manufacture or use of this material may be provided to NASA HQ/EMD.
	Public Availability 09/28/2007			
EM-2007-16	Draft TBD	<a href="#">Asbestos, Non-Cancer Effects</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver May be used in certain rocket and missile applications.
	NASA review deferred pending completion of EPA draft.			
EM-2007-17	Draft TBD	<a href="#">Cadmium</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Used to plate fasteners in aerospace and other applications.
	NASA review deferred pending completion of EPA draft.			

Tracking Number	Significant Dates <i>Italic indicates estimated date</i>		Subject Action	Type of Action	Comments
EM-2007-18	Draft	TBD	<a href="#">Styrene</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver
	NASA review deferred pending completion of EPA draft.				
EM-2007-19	Draft	TBD	<a href="#">1,1,2,2-Tetrachloroethane</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver
	NASA review deferred pending completion of EPA draft.				
EM-2007-20	Draft	TBD	<a href="#">Tetrachloroethylene</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Also known as perchloroethylene.
	NASA review deferred pending completion of EPA draft.				
EM-2007-21	Draft	TBD	<a href="#">Trichloroethylene</a>	IRIS Risk Assessment Update	Possible future materials obsolescence driver Trichloroethylene is used in precision cleaning and cleanliness verification applications; and may be a component of coatings or other materials.
	NASA review deferred pending completion of EPA draft.				
EM-2007-22	Draft	08/20/2007	Tetrahydrofuran	IRIS Risk Assessment Update	Possible future materials obsolescence driver Peer review workshop to review the external review draft document titled, " <a href="#">Toxicological Review of Tetrahydrofuran: In Support of Summary Information on the Integrated Risk Information System (IRIS)</a> ," is scheduled for 9:00 a.m. on 11/01/2007, at the American Geophysical Union, Washington, D.C. Workshop registration deadline is 10/22/2007.
	Comments Due	10/18/2007			
	Workshop	11/01/2007			

## 1.4 Significant News and Other Developments

### 1.4.1 EPA to Propose Flexibility for Operating and New Source Review Permits

EPA plans to propose changes to its operating permit and NSR permit programs to encourage pollution prevention and flexibility and to create efficiencies for regulators.

The proposed changes to the operating permit program will include flexible permits that would allow facilities to outline their operational plans for the 5-year term of the permit, such as a future change in the types of fuels used in boilers. The permit authority would structure the permit to include these planned changes, while ensuring regulatory compliance over the duration of the permit term. Changes made by the facility outside the scope of the permit would not be covered, and the facility would be required to undergo a permit revision.

The proposed revisions to EPA's NSR program also will include a "Green Group" permit option for facilities to obtain advance approvals of certain future changes under major NSR. A Green Group consists of a collection of emissions points ducted to a common, high-performing air pollution control device that would be subject to an emission limit determined to be compliant with the applicable NAAQS. The permitting authority would have the authority to determine if the Green Group permitting approach would be appropriate for specific scenarios.

Once published in the FR, EPA will accept comments on the proposed rule for 60 days. A pre-publication draft of the proposal and additional information are available on EPA's [website](#).

### 1.4.2 Congressional Bill Would Establish a Green Chemistry Research and Development Program

H.R. 2850 calls for the President to establish a Green Chemistry Research and Development Program to promote and coordinate federal green chemistry research, development, education,

and technology transfer activities. The bill also calls for the President to establish an Interagency Working Group that would include representatives from the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, EPA, and any other agency that the President may designate to oversee the planning, management, and coordination of the Program. H.R. 2850 was passed in the House of Representatives on 4 September 2007. On 5 September 2007, it was referred to the Senate Committee on Commerce, Science, and Transportation. [The full text of the bill](#) is available on the Library of Congress website.

### 1.4.3 Regulatory Overview Documents Available

The RRAC PC recently prepared an overview entitled, "[Regulatory Considerations for Chromium](#)," which includes an overview of the various regulations on chromium and potential effects on NASA. The RRAC PC also has prepared the following overviews on [cadmium](#) and the EU's [REACH regulation](#), which are related to materials obsolescence concerns.

## 1.5 Clean Air Act Working Group Updates

### 1.5.1 Clean Air Act Working Group Telecons for 2007

The CAAWG will hold telecons on the following Wednesdays in 2007 at 2 p.m. ET, 1 p.m. CT, 12 p.m. MT, and 11 a.m. PT:

- 19 September 2007
- 17 October 2007
- 14 November 2007
- 19 December 2007

## 2.0 State Regulatory Reviews

The following sections provide details of regulatory actions reviewed for states in which NASA facilities are located.

### 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama. Citations of the [AAM](#) are linked to the appropriate volume of the Monthly, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL-2007-16	Air	08/31/2007	AAM Vol. XXV, p.445 et seq.	Proposed Amendments Hearing Notice	<p>335–Alabama Department of Environmental Management (ADEM) 3–Air Division</p> <p>Proposed amendments to ADEM's Administrative Code include the following:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">335-3-1-.02 Definitions</a></li> <li>▪ <a href="#">335-3-3-.01 Open Burning</a></li> <li>▪ <a href="#">335-3-10-.01 General</a></li> <li>▪ <a href="#">335-3-10-.02 Designated Standards of Performance</a></li> <li>▪ <a href="#">335-3-10-.03 Appendices to 40 CFR 60</a></li> <li>▪ <a href="#">335-3-11-.01 General</a></li> <li>▪ <a href="#">335-3-11-.02 Designated Emission Standards</a></li> <li>▪ <a href="#">335-3-11-.06 National Emission Standards for Hazardous Air Pollutants for Source Categories</a></li> </ul> <p>Amendments are intended to change the definition of VOC; delete an outdated provision in the Open Burning regulations; and incorporate by reference changes to the Federal NSPS and NESHAP promulgated from 07/02/2006 to 07/02/2007. Also included is a letter, requested by EPA, which clarifies several CAA Section 110 SIP issues. A list of specific changes can be found in the <a href="#">Summary of Reason</a> document. A hearing is scheduled for 10/10/2007 at 10:00 a.m., to be held at the ADEM Headquarters, Montgomery, Alabama.</p> <p><b>The VOC definition is being revised for consistency with the federal VOC definition, which is found at 40 CFR 51.100(s).</b></p>	<p><a href="#">NASA facilities and programs</a> may wish to review for applicability.</p>

## 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA-2007-88	Air Diesel Engines	09/07/2007	<a href="#">CRNR 2007, 36z, p. 1482</a>	Notice Public Hearing	<p>Air Resources Board</p> <p>Notice of Public Hearing to Consider the Adoption of Proposed Regulations to Reduce Emissions from Diesel Engines on Commercial Harbor Craft Operated within California Waters and 24 Nautical Miles of the California Baseline</p> <p>Announces a public hearing to consider adoption of regulations to reduce emissions of diesel PM and NOx from the use of diesel engines on commercial harbor craft operating Regulated California Waters. The hearing will take place during a 2-day meeting of the Board, beginning at 9:00 a.m. on 10/25/2007 at the California Environmental Protection Agency, Byron Sher Auditorium, Sacramento. The original notice and associated regulatory documents may be found on the <a href="#">ARB website for this rulemaking</a>. Comments are due 12:00 noon, 10/24/2007.</p>	
CA-2007-89	Air Diesel Engines	09/07/2007	<a href="#">CRNR 2007, 36z, p. 1519</a>	Rule Update	<p>Air Resources Board</p> <p>Air Toxics Hot Spots</p> <p>Updates the regulations to align the Air Toxics Hot Spots program with regulations already in place and adds a new chapter on diesel engine reporting. Effective 09/26/2007.</p> <p><b>The Air Toxics Hot Spots program collects emission data about air toxics emitted in California, to identify facilities with unacceptable localized health risks, and to ensure that nearby residents are notified of significant risks.</b></p>	
CA-2007-90	Air Motor Vehicles	09/07/2007	<a href="#">CRNR 2007, 36z, p. 1475</a>	Notice Public Hearing	<p>Air Resources Board</p> <p>Amendments to Regulations Regarding New Aftermarket and Used Catalytic Converters Offered for Sale and Use in California</p> <p>Announces a public hearing to consider the adoption of amendments to California's regulations regarding new aftermarket and used catalytic converters sold, offered for sale, or advertised for use on California motor vehicles, or installed on California motor vehicles. The hearing will take place during a 2-day meeting of the Board, beginning at 9:00 a.m. on 10/25/2007 at the California Environmental Protection Agency, Byron Sher Auditorium, Sacramento. The original notice and associated regulatory documents are posted on the <a href="#">ARB website for this rulemaking</a>. Comments are due 12:00 noon, 10/24/2007.</p>	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA-2007-91	Air NAAQS-San Joaquin Valley	08/27/2007	<a href="#">72 FR 49045</a>	Proposed Rule	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Affirmation of Determination of Attainment for the San Joaquin Valley Nonattainment Area [40 CFR 52 and 81]  Proposes to affirm the prior determination (10/30/2006, <a href="#">71 FR 63641</a> ) that the San Joaquin Valley nonattainment area attained the NAAQS for PM-10 based on evaluation of quality-assured data through December 2006 and proposes to concur that certain flagged exceedances were due to exceptional events and should not be considered in the attainment determination. Comments are due 09/26/2007.	
CA-2007-92	Ecological Reserves	09/07/2007	<a href="#">CRNR 2007, 36z, p. 1494</a>	Proposed Rule Amendment	Fish and Game Commission Ecological Reserves  Proposes to amend Section 630, Title 14, California Code of Regulations, relating to Ecological Reserves. Section 630 provides general regulations for these reserves and special area regulations. Proposals would amend several provisions of these regulations including the following, among others: <ul style="list-style-type: none"> <li>▪ Prohibitions on devices capable of shooting a projectile.</li> <li>▪ Revised grazing rules.</li> <li>▪ Prohibitions on aircraft flying over reserves in a manner incompatible with the use or protection of the biological resources of the reserve</li> <li>▪ Prohibitions on parachuting over ecological reserves</li> </ul> Also proposes to add seven new ecological reserves to this listing, including "Semitropic," consisting of 6,770 acres in Kern County.	
CA-2007-93	Energy Conservation Appliances	09/07/2007	<a href="#">CRNR 2007, 36z, p. 1519</a>	Rule Amendment	California Energy Commission Adoption of Amendments of Appliance Regulations  Changes the Commission's appliance efficiency regulations to conform to provisions of a District Court order and applicable federal standards. Effective 09/17/2007.	
CA-2007-94	Motor Vehicles Compressed Natural Gas Fuel Systems	08/31/2007	<a href="#">CRNR 2007, 35z, p.1460</a>	Rule Amendment	California Highway Patrol Compressed Natural Gas Fuel Systems [13 CCR 932 and 934.1]  Addresses reference publications and also NFPA Standard 52 "Compressed Natural Gas Vehicular Fuel Systems Code". Effective 09/20/2007.	
CA-2007-95	Proposition 65	09/07/2007	<a href="#">CRNR 2007, 36z, p. 1513</a>	Notice	Office of Environmental Health Hazard Assessment Chemicals Submitted to the Carcinogen Identification Committee for Consultation  OEHHA will <a href="#">consult</a> with the Carcinogen Identification Committee concerning whether to prepare hazard identification materials for <i>N,N</i> -Dimethylformamide (CAS # 68-12-2); Marijuana smoke; or TNT (CAS # 118-96-7), for the Committee to use in considering whether to add them to the Proposition 65 list. Announces a meeting regarding these actions at 10:00 a.m. on 11/19/2007 at the California Environmental Protection Agency, Sierra Hearing Room, Sacramento. Comments are due 11/06/2007.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA-2007-96	Proposition 65	09/07/2007	<a href="#">CRNR 2007.36z, p.1514</a>	Notice	Office of Environmental Health Hazard Assessment Chemicals Submitted to the Developmental and Reproductive Toxicant Identification Committee for Consultation OEHHA will <a href="#">consult</a> with the Developmental and Reproductive Toxicant Identification Committee concerning whether to prepare hazard identification materials for any of the following materials: Bisphenol-A (CAS # 80-05-7); Bromodichloromethane (CAS # 75-27-4); caffeine (CAS # 58-08-2); chlorpyrifos (CAS # 2921-88-2); hexavalent chromium (CAS # 18540-29-2); DDE (CAS # 72-55-9); methylisocyanate (CAS # 624-83-9); or sulfur dioxide (CAS # 7446-09-5). Announces a meeting regarding these actions at 10:00 a.m. on 12/10/2007 at the California Environmental Protection Agency, Sierra Hearing Room, Sacramento. Comments are due 11/06/2007.	
CA-2007-97	SIP	08/28/2007	<a href="#">72 FR 49203</a>	Direct Final Rule	U.S. Environmental Protection Agency Revisions to the California SIP, SCAQMD and San Joaquin Valley Air Pollution Control District; Technical Amendment Corrects a paragraph number from the approved revisions to the California SIP published 08/01/2007 [ <a href="#">72 FR 41894</a> ]. Effective 08/28/2007.	
CA-2007-98	SIP VOC Emissions	08/28/2007	<a href="#">72 FR 49196</a>	Direct Final Rule	U.S. Environmental Protection Agency Revisions to the California State Implementation Plan, South Coast Air Quality Management District Approves revisions to the SCAQMD portion of the California SIP. These revisions concern VOC emissions from refinery flares and storage tanks at petroleum facilities. Effective 10/29/2007.	
CA-2007-99	Waste Management Gas Monitoring and Control	08/31/2007	<a href="#">CRNR 2007.35z, p.1460</a>	Rule Adoption	California Integrated Waste Management Board Active Disposal Site Gas Monitoring and Control [27 CCR 20918-20921, 20923, 20925, 20931-20934, 20937, and 20939] Deals with gas monitoring and control at active and closed disposal sites. Effective 09/20/2007.	
CA-2007-100	Water Los Angeles Basin Plan	08/31/2007	<a href="#">CRNR 2007.35z, p.1461</a>	Rule Amendment	State Water Resources Control Board Los Angeles Regional Water Quality Control Board-Basin Plan Amendment to Incorporate Copper WERs in Lower Calleguas Creek and Mugu Lagoon [23 CCR 3939.26]. Established site-specific WERs for copper in Mugu Lagoon and Lower Calleguas Creek in the Calleguas Creek Watershed.	

## 2.2.1 Development of the PM-2.5 and 8-hour Ozone Attainment Plans

The California ARB is in the process of developing the 2007 8-hour Ozone SIP and the 2008 PM-2.5 SIP. The Board has scheduled a public meeting on 27 and 28 September 2007 to continue consideration of the Proposed State Strategy. The SIP website and all draft documents are available at <http://www.arb.ca.gov/planning/sip/2007sip/2007sip.htm>.

## 2.2.2 Alternative Transportation Fuels

The California Energy Commission, in conjunction with the ARB, is working to implement AB 1007 to increase the use of alternative fuels in the transportation sector. The Energy

Commission and ARB adopted the [State Plan to Increase the Use of Alternative Transportation Fuels in California](#) on 27 June 2007.

## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL-2007-86	Air General Provisions	08/31/2007	<a href="#">FAW Notice #4472978</a>	Proposed Rule	<p>Chapter 62–FDEP 204–Air Pollution Control General Provisions</p> <p>Proposes to update, through 06/30/2007, FDEP’s adoption-by-reference of air pollution regulations promulgated by EPA at 40 CFR Parts 50, 51, 52, 53, as described below:</p> <ul style="list-style-type: none"> <li>▪ 40 CFR 50, National Primary and Secondary Ambient Air Quality Standards. Updated §50.1 Definitions to include Exceptional Events. Adopted §50.14 Treatment of Air Quality Monitoring Data Influenced by Exceptional Events, which requests that EPA exclude data showing exceedances or violations of NAAQS resulting from exceptional events from use in determinations.</li> <li>▪ 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Subpart I, Review of New Sources and Modifications: Deleted all references to PCP and Clean Units.</li> <li>▪ 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Subpart Y, Mitigation of Exceptional Events: Adopted mitigation of exceptional events.</li> <li>▪ 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Adopted Subpart Z, Provisions for Implementation of PM-2.5 National Ambient Air Quality Standards.</li> <li>▪ 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Appendix S, Emission Offset Interpretive Language: Updated to include definitions and procedures applicable to Nonattainment Major NSR Pollutants.</li> <li>▪ 40 CFR 52, Approval and Promulgation of Implementation Plans, Subpart A, General Provisions: Deleted all references to PCPs and Clean Units.</li> <li>▪ 40 CFR 53, Ambient Air Monitoring Reference and Equivalent Methods: Updated requirements for reference method determinations, processing of applications, and conditions of designation.</li> <li>▪ 40 CFR 60, Standards of Performance for New Stationary Sources, Subpart A, General Provisions: Incorporated “force majeure” into definitions and performance testing. Updated 1-hour average measurements for continuous monitoring systems. Updated ASTM standard specifications and test methods for various compounds.</li> <li>▪ 40 CFR 60, Standards of Performance for New Stationary Sources, Subpart D, Standards of Performance for Fossil Fuel-fired Steam Generators for which Construction is Commenced After 08/17/1971; Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced After 09/18/1978; Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; Subpart Dc, Standards of Performance for Small</li> </ul>	<a href="#">KSC</a> should be aware of the proposed rule modifications, particularly the Boiler MACT item (last bullet).

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
					<p>Industrial-Commercial-Institutional Steam Generating Units: Updated standards for PM, SO<sub>2</sub>, and NO<sub>x</sub>.</p> <ul style="list-style-type: none"> <li>40 CFR 61, National Emissions Standards for Hazardous Air Pollutants, Subpart A, General Provisions: Incorporated "force majeure" into definitions and emissions testing.</li> <li>40 CFR 63, National Emissions Standards for Hazardous Air Pollutants for Source Categories, Subpart IIII, Surface Coating of Automobiles and Light-Duty Trucks: Adopted requirements for capture systems and add-on control devices that are not taken into account when demonstrating compliance with applicable emissions limitations.</li> <li>40 CFR 63, National Emissions Standards for Hazardous Air Pollutants for Source Categories, Subpart PPPP, Surface Coating of Plastic Parts and Products: Updated tables for operating limits, applicability of general provisions, and organic HAP mass fractions for solvents, solvent blends, and petroleum solvent groups.</li> <li>40 CFR 63, National Emissions Standards for Hazardous Air Pollutants for Source Categories, Subpart DDDDD, Industrial, Commercial, and Institutional Boilers and Processes: Vacated subpart.</li> </ul> <p>Comments are due 09/21/2007.</p>	
FL-2007-87	Air Stationary Sources	08/31/2007	<a href="#">FAW Notice #4334185</a>	Development of Rulemaking	<p>Chapter 62–FDEP 210–Stationary Sources 300–Permits Required</p> <p>The proposed amendments to Chapter 62-210, F.A.C., published 04/20/2007, <a href="#">FAW Notice #4014362</a>, related to implementation of permitting requirements for the Title V sources subject to EPA's CAIR, Clean Air Mercury Rule, and Acid Rain program failed to include Rule 62-210.300, F.A.C. Conforming amendments to rule citations in this section will be needed as part of the overall rulemaking project. There is no draft rule language available at this time.</p>	<a href="#">KSC</a> should be aware of the proposed changes.
FL-2007-88	Energy Energy and Climate Change Action Plan	09/07/2007	<a href="#">FAW Notice #4606838</a>	Notice Meeting	<p>Chapter 62–Governor's Action Team on Energy and Climate Change</p> <p>Announces meeting to continue discussion of policy issues regarding the development of a comprehensive Energy and Climate Change Action Plan that will address statewide greenhouse gas reductions specified in EO 07-127. This meeting is scheduled for 09/18/2007 at 9:00 a.m., at the Betty Easley Conference Center, Tallahassee, Florida.</p>	
FL-2007-89	Energy Renewable Energy Technologies and Energy Efficiency	08/31/2007	<a href="#">FAW Notice #4539132</a>	Proposed Rule Amendment	<p>Chapter 62–FDEP 16–Renewable Energy Technologies and Energy Efficiency</p> <p>Amends the subject proposed rule, which involves the creation of a new rule Chapter 62-16, F.A.C., related to the implementation of the Florida Renewable Energy Technologies and Energy Efficiency Act, Sections 377.801 to .806, F.S. (Florida Senate Bill 888, signed on 06/19/2006). The proposed rule provides for the administration of the Renewable Energy Technologies Grants Program and the Solar Energy Systems Incentives Program, and implements the provisions of the corporate tax incentives provided for renewable energy technologies pursuant to Section 220.192, F.S.</p>	<a href="#">KSC</a> should be aware of the proposed changes.
FL-2007-90	Energy Renewable Energy Technologies and Energy Efficiency	08/31/2007	<a href="#">FAW Notice #4541460</a>	Notice Withdrawal	<p>Chapter 62–FDEP 16–Renewable Energy Technologies and Energy Efficiency</p> <p>The proposed new rules Chapter 62-16.400, Renewable Energy Technologies Grants Program for Bioenergy, F.A.C., and Chapter 62-16.700, Renewable Energy Technologies Sales Tax Program, F.A.C., as noticed in</p>	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL-2007-91	Water Surface Water	09/04/2007	<a href="#">FAW Notices #4536901, #4542430, #4537095, and #4537677</a>	Final Rule	<a href="#">FAW Notice #354732</a> , have been withdrawn.  Chapter 62–FDEP 303–Identification of Impaired Surface Waters 360–Primary Contact and Recreation Use Support; Chapter 62-303.380–Drinking Water Use Support and Protection of Human Health; Chapter 62–303.460–Primary Contact and Recreation Use Support; Chapter 62-303.480–Drinking Water Use Support and Protection of Human Health; Chapter 62-303.720–Delisting Procedure  Amends the assessment methodology for impairment due to elevated fecal coliform levels, including how individual samples are assessed under the binomial method, how many exceedances of the monthly average criteria are needed to list waters as impaired, and how samples are assessed for representativeness. Also includes a new delisting provision for waters listed for synthetic organics and pesticides.	
FL-2007-92	Water Treatment Plant Classification and Staffing	08/31/2007	<a href="#">FAW Notice #4533409</a>	Notice Change	Chapter 62–FDEP 699–Treatment Plant Classification and Staffing  Amends the subject proposed rule, published in <a href="#">FAW Notice #645358</a> and <a href="#">FAW Notice #3943261</a> , which involves establishing classification and staffing requirements for water distribution systems. Also clarifies and revises current classification and staffing requirements for water or domestic wastewater treatment plants.	<a href="#">KSC</a> should be aware of the proposed changes.
FL-2007-93	Water Wastewater Treatment Plant Operators	08/31/2007	<a href="#">FAW Notice #4533312</a>	Notice Change	Chapter 62–FDEP 602–Water or Domestic Wastewater Treatment Plant Operators and Distribution System Operators  Amends the subject proposed rule, published in <a href="#">FAW Notice #645455</a> and <a href="#">FAW Notice #3946753</a> , which establishes licensure requirements and procedures for water distribution system operators. Also clarifies and revises current licensure requirements and procedures for water or domestic WWTP operators.	<a href="#">KSC</a> should be aware of the proposed changes.

## 2.4 Hawaii State Regulatory Review

No items of interest were identified during this reporting period for Hawaii.

## 2.5 Louisiana State Regulatory Review

No items of interest were identified during this reporting period for Louisiana.

## 2.6 Maryland State Regulatory Review

No items of interest were identified during this reporting period for Maryland.

## 2.7 Mississippi State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Mississippi.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MS-2007-04	Air	08/24/2007	Mississippi Administrative Bulletin, <a href="#">#14633</a>	Final Rule	Mississippi Department of Environmental Quality <a href="#">APC-S-5</a> incorporates by reference federal regulations in 40 CFR Parts <a href="#">51.166</a> and <a href="#">52.21</a> to be consistent with the federal requirements.  Further information regarding this rule can be found in document <a href="#">Regulations for the Prevention of Significant Deterioration of Air Quality</a> .	

## 2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in New Mexico.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM-2007-20	Air	09/05/2007	<a href="#">72 FR 50879</a>	Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Prevention of Significant Deterioration and New Source Review [40 CFR Part 52]  Announces approval of revisions to the New Mexico SIP. The revisions modify New Mexico's PSD and NNSR regulations in the SIP to address changes to the federal PSD and NNSR regulations. These two federal actions are called the "2002 New Source Review (NSR) Reform Rules". Effective 10/05/2007.  <a href="#">Revisions to the New Mexico SIP include provisions for baseline emissions calculations, an actual-to-projected-actual methodology for calculating emissions changes, options for plant-wide applicability limits, and record-keeping and reporting requirements.</a>	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM-2007-21	Construction Codes	08/30/2007	<a href="#">NM Register</a> Vol. XVIII, p. <a href="#">773</a>	Rule Amendments	<p>Regulation and Licensing Department, Construction Industries Division</p> <p>Revisions to the New Mexico <a href="#">Construction Codes</a> regulations as follow:</p> <ul style="list-style-type: none"> <li>▪ Repealed: <ul style="list-style-type: none"> <li>▪ <a href="#">14.7.2 NMAC</a>–2003 New Mexico Commercial Building Code</li> <li>▪ <a href="#">14.7.3 NMAC</a>–2003 New Mexico Residential Building Code</li> <li>▪ <a href="#">14.7.4 NMAC</a>–2003 New Mexico Earthen Building Materials Code</li> <li>▪ <a href="#">14.7.5 NMAC</a>–2003 New Mexico Non-Load-Bearing Baled Straw Construction Building Standards</li> <li>▪ <a href="#">14.7.6 NMAC</a>–2003 New Mexico Energy Conservation Code</li> <li>▪ <a href="#">14.7.7 NMAC</a>–2003 New Mexico Existing Building Code</li> <li>▪ <a href="#">14.7.8 NMAC</a>–2003 New Mexico Historic Earthen Buildings</li> <li>▪ <a href="#">14.8.2 NMAC</a>–2003 New Mexico Plumbing Code</li> <li>▪ <a href="#">14.9.2 NMAC</a>–2003 New Mexico Mechanical Code</li> </ul> </li> <li>▪ Adopted: <ul style="list-style-type: none"> <li>▪ <a href="#">14.7.2 NMAC</a>–2006 New Mexico Commercial Building Code</li> <li>▪ <a href="#">14.7.3 NMAC</a>–2006 New Mexico Residential Building Code</li> <li>▪ <a href="#">14.7.4 NMAC</a>–2006 New Mexico Earthen Building Materials Code</li> <li>▪ <a href="#">14.7.5 NMAC</a>–2006 New Mexico Non-Load-Bearing Baled Straw Construction Building Standards</li> <li>▪ <a href="#">14.7.6 NMAC</a>–2006 New Mexico Energy Conservation Code</li> <li>▪ <a href="#">14.7.7 NMAC</a>–2006 New Mexico Existing Building Code</li> <li>▪ <a href="#">14.7.8 NMAC</a>–2006 New Mexico Historic Earthen Buildings</li> <li>▪ <a href="#">14.8.2 NMAC</a>–2006 New Mexico Plumbing Code</li> <li>▪ <a href="#">14.9.2 NMAC</a>–2006 New Mexico Mechanical Code</li> </ul> </li> </ul> <p>Effective 01/08/2008.</p>	<b>WSTF</b> should be aware of these changes to the New Mexico Construction Codes.

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH-2007-57	Air Consumer Products	09/05/2007	OAC <a href="#">3745-112</a>	Final Rule	<p>Division of Air Pollution Control, Ohio Environmental Protection Agency</p> <p><a href="#">Adoption of OAC Rules 3745-112-01 to 3745-112-08, "Consumer Products"</a></p> <p>OEPA has adopted new OAC Rules <a href="#">3745-112-01 through 3745-112-08</a>, "Consumer Products," which set standards for the VOC content of consumer products sold in the State of Ohio. These rules are intended to assist in achieving and/or maintaining the national 8-hour ground level ozone standard through the regulation of VOCs, which are precursors to ambient ozone formation. Effective 09/15/2007.</p>	
OH-2007-58	Air Stationary Source Emissions	08/27/2007	OAC <a href="#">3745-21-07</a>	Proposed Rule	<p>Division of Air Pollution Control, Ohio Environmental Protection Agency</p> <p><a href="#">Proposed new OAC rule 3745-21-07 "Control of Emissions of Organic Materials from Stationary Sources"</a></p> <p>Proposes <a href="#">new language</a> for OAC rule 3745-21-07, "Control of Emissions of Organic Materials from Stationary Sources." Proposes to replace the previous rule with facility-specific and general control requirements for sources (emissions units currently complying with OAC Rule 3745-21-07 by means of control equipment or operational restrictions.) The rule will no longer apply to new sources after the effective date of the rule. New sources that have the potential to emit more than 10 tons of organic materials will continue to be subject to best available technology determinations made during new source review (per OAC Rule 3745-31) for the control of organic material emissions. Currently, all new sources are subject to best available technology determinations regardless of existing rule applicability, so no additional requirements for organic material emissions will result from the proposed rule changes. Comments are due 10/03/2007. A public hearing will be held 10/03/2007.</p>	<p><a href="#">NASA facilities</a> should consider reviewing for applicability.</p>

## 2.10 Texas State Regulatory Reviews

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register* published in HTML file format. Current and historical versions of the *Texas Register* in HTML and Adobe Acrobat (.pdf) file format can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX-2007-43	Air Alternate Emission Reduction Policy	09/07/2007	<a href="#">32 TexReg 6125</a>	Withdrawn Rules	General Air Quality Rules--Alternate Emission Reduction Policy [30 TAC §101.23]  Withdraws the proposed amendment published 02/23/2007 ( <a href="#">32 TexReg 713</a> ) because the proposal was not adopted within 6 months of publication. Amendment proposed administrative changes.	
TX-2007-44	Air NSR Permits ACEP	09/07/2007	<a href="#">32 TexReg 6053</a>	Proposed Rules	New Source Review Permit Applications for Advanced Clean Energy Projects [30 TAC §116.114]  Specifies deadlines for TCEQ's air permit review for ACEP projects to ensure that permit applications are processed in an expedited manner. Specifies that TCEQ shall complete the technical review of an ACEP permit application no later than 9 months after the application is declared to be administratively complete. A final order shall be issued no later than 9 months after the application is declared to be technically complete. Allows an extension of up to 3 months if the number of pending applications will prevent TCEQ from meeting the specified deadlines. Does not exempt ACEP permit applications from applicable requirements relating to contested case hearings. Public hearing to be held in Austin on 09/24/ 2007. Comments are due 09/26/2007.	
TX-2007-45	Air Texas SIP	08/28/2007	<a href="#">72 FR 49198</a>	Direct Final Rule	U.S. Environmental Protection Agency  Approval and Promulgation of Air Quality Implementation Plans; Texas; Shipyard Facilities and Provisions for Distance Limitations, Setbacks, and Buffers in Standard Permits  Approves a SIP revision for Texas. Revision adds provisions that incorporate the evaluation of emissions from dockside vessels when reviewing applications for permits for new and modified sources and certain other administrative changes. It also adds provisions concerning compliance with distance limitations, setbacks, and buffers. Effective 10/29/2007 unless adverse comments are received by 09/27/2007.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX-2007-46	Nuclear Radiation Control	09/07/2007	<a href="#">32 TexReg 6045</a> <a href="#">32 TexReg 6049</a> <a href="#">32 TexReg 6056</a> <a href="#">32 TexReg 6066</a>	Proposed Rules	Financial Assurance [30 TAC §§37.9001, 37.9030, 37.9035, 37.9040, and 37.9045] Public Notice [30 TAC §§39.702, 39.703, 39.707, and 39.709] Applications Processing [30 TAC §281.19] Radioactive Substance Rules [30 TAC §336] Proposed rulemaking intends to transfer the technical requirements for the regulation and licensing of source material recovery, byproduct disposal, and commercial radioactive substances storage and processing from the Texas Department of State Health Services to TCEQ. Although the technical requirements remain the same, the programs will be integrated into and administered under TCEQ's existing radioactive material program requirements for application processing, public notice, public participation, licensing fees, financial assurance, and enforcement. Public hearing on this proposal to be held in Austin on 09/25/2007. Comments are due 10/15/2007.	
TX-2007-47	Storm Water Construction Permit	08/31/2007	<a href="#">32 TexReg 5788</a>	Notice	Notice of Public Meeting and a Proposed Reissuance of a General Permit Authorizing the Discharge of Storm Water Associated with Construction Activities Proposes to renew a general permit (Texas Pollutant Discharge Elimination System Permit No. TXR150000) that authorizes discharges from construction sites into surface water in the state. Significant proposed changes to the general permit include the following: <ul style="list-style-type: none"> <li>Restructured permit fees that eliminate the annual fee</li> <li>Fee and provisional coverage timeline incentives for electronic submittal</li> <li>Revised the definition of "operator" to be consistent with the definition in EPA's current Construction General Permit</li> </ul> The <a href="#">draft permit</a> and <a href="#">fact sheet</a> are now available on TCEQ's website for <a href="#">storm water permitting</a> . Public hearing to be held in Austin 10/03/2007. Comments are due by the end of the public hearing.	
TX-2007-48	Water Water Conservation Plans	09/07/2007	<a href="#">32 TexReg 6060</a>	Proposed Rules	Water Conservation Plans, Drought Contingency Plans, Guidelines And Requirements [288.1 and §288.30] Proposes to require the following entities submit a water conservation plan: <ul style="list-style-type: none"> <li>Retail public utilities that provide potable water service to 3,300 or more connections</li> <li>Applicants for a new or amended water right</li> <li> Holders of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of: <ul style="list-style-type: none"> <li>1,000 acre-feet a year or more for municipal, industrial, and other uses</li> <li>10,000 acre-feet a year or more for irrigation uses</li> </ul> </li> </ul> These plans must include 5-year and 10-year targets for water conservation. Requires each entity that must submit a water conservation plan to TCEQ also to submit a copy of the plan to the Texas Water Development Board. Adds a definition of "best management practices." Public hearing to be held in Austin on 09/25/2007. Comments are due 10/15/2007.	

### 2.10.1 TCEQ to Host Advanced Air Permitting Seminar

TCEQ is hosting an [Advanced Air Permitting Seminar](#) in Austin on 15 and 16 October 2007. The seminar will start with an update on current Air Permits Division issues, followed by an update on recent rule changes and the effects of the 80<sup>th</sup> Texas Legislative Session. The seminar will focus on the authorization of emissions from MSS activities and what the Air Permits Division has learned over the last year regarding this topic. Technical presentations will cover several key areas, including the following:

- Identification of MSS Activities
- Estimation of MSS Emissions
- MSS BACT
- Federal Applicability Related to MSS
- Incorporation of MSS Emissions into Permits
- MSS Modeling

Current Title V issues, including periodic monitoring, continuous assurance monitoring, and other new pre-construction authorization topics, also will be discussed. A question-and-answer session with Air Permits Division management and technical experts will conclude the seminar. Early registration ends 1 October 2007.

### 2.10.2 Recommended HGB SIP Timeline Submitted to EPA

TCEQ's [response](#) to EPA's request for an 8-hour ozone attainment demonstration SIP submittal schedule regarding reclassification of the HGB was submitted on 21 August 2007.

## 2.11 Virginia State Regulatory Review

No items of interest were identified during this reporting period for Virginia.